
STATUTORY INSTRUMENTS

2018 No. 787

The European Organization for Astronomical Research in the Southern Hemisphere and the European Space Agency (Immunities and Privileges) (Amendment) Order 2018

Amendments to the European Space Agency (Immunities and Privileges) Order 1978

4.—(1) The European Space Agency (Immunities and Privileges) Order 1978⁽¹⁾ is amended as follows.

(2) In article 15 (High Officers)—

(a) in paragraph (1)—

(i) after “Convention”, insert “, and the Head of the Harwell Centre,”;

(ii) in sub-paragraph (a), after “customs” insert “or excise”;

(iii) in the full out, for “a citizen of the United Kingdom and Colonies” substitute “a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas)”;

(b) for paragraph (2), substitute—

“(2) Part IV of Schedule 1 to the Act does not operate so as to confer any privilege or immunity on any person who is a member of the family of an officer to whom paragraph (1) applies if the person is a British citizen, a British overseas territories citizen, a British Overseas citizen, a British National (Overseas) or permanent resident of the United Kingdom.”;

(c) after paragraph (2), insert—

“(3) Subject to paragraph (4), paragraphs (1) and (2) apply as they apply to the officers mentioned in paragraph (1) to up to seven officers of the Agency who—

(a) hold the position of Head of Office,

(b) are high ranking staff under Article 14 of the Agreement between the United Kingdom and the European Space Agency concerning the European Space Agency’s sites and Facilities in the United Kingdom signed on 16th July 2013, and

(c) are notified to the Secretary of State by the Agency.

(4) In its application to the officers referred to in paragraph (3)—

(a) the waivers referred to in paragraph (1) are to be made by the Director General of the Agency, and

(b) sub-paragraph (a) of that paragraph is to be read as if the references to immunity from suit and legal process and to inviolability of residence were omitted.”.

(3) In Article 16 (All Officers)—

(a) after the second “Director General”, insert “or the Head of the Harwell Centre.”;

⁽¹⁾ [S.I. 1978/1105](#). The instrument entered into force on 30th October 1980. The relevant amending instrument is [S.I. 1980/1086](#).

- (b) omit the “and” at the end of sub-paragraph (b);
- (c) in paragraph (c), for “citizens of the United Kingdom and Colonies” substitute “British citizens, British overseas territories citizens, British Overseas citizens or British Nationals (Overseas)”;
- (d) after sub-paragraph (c), insert—
 - “(d) unless they are British citizens, British overseas territories citizens, British Overseas citizens, British Nationals (Overseas) or permanent residents of the United Kingdom, exemption from duties (whether of customs or excise) and taxes on the importation of any motor vehicle imported as a replacement for a motor vehicle in respect of which the conditions specified in sub-paragraph (c) are fulfilled, such exemption to be subject to compliance with such conditions as the Commissioners for Her Majesty’s Revenue and Customs may prescribe for the protection of the Revenue; and
 - (e) provided that the Agency has established or joined a social security scheme, exemptions whereby for the purposes of the enactments relating to social security, including enactments in force in Northern Ireland—
 - (i) services rendered for the Agency by them shall be deemed to be excepted from any class of employment in respect of which contributions under those enactments are payable, but
 - (ii) no person shall be rendered liable to pay any contribution which the person would not be required to pay if those services were not deemed to be so excepted.”.